

1871-001 Chancery Causes: William W. Fulkerson vs. Margaret E. Fulkerson &
Lee Co.

Hensley

CA - Estate Dispute
T - Property

27
To the Honorable Henry J. Morgan Judge
of the County Court of Lee County

The Bill of Complaint of William W. Fulkerson of Lee County Virginia Humbly Com-
plaining respectfully represents that his father
the late Peter Fulkerson of Said County died
about 22 years ago leaving a widow your Orators
mother and three Children to wit your Orator
Mariak Fulkerson who afterwards intermarried
with one Sylvester Hensley and both she and
her husband have since died leaving two minor
Children to wit Margaret H. and Sylvester Peter
Hensley who are still minors, And Margaret
E. Fulkerson who is over the age of twenty one
years. Your Orator will here state that his
father made a will which is on record by
which he devised his real estate consisting of
four several tracts lying and being on the
main road in Lee County Va. about 14 miles
west of Jonesville to his widow during her
natural life and after her death it was
to fall jointly to his three Children as aforesaid
and your Orators mother the widow having since died
So that under Said Will your Orator
is now the owner of the one undivided third
of his fathers real estate as well as his mothers
and the two Children of Mariak Hensley have
together the same interest and the Said
Margaret E. Fulkerson has also the same interest
all of which is undivided and contains in
the aggregate about 300 acres and is worth
some four or five thousand dollars.

Now the object of this Bill is to obtain
a partition of the Said Lands amongst
the parties entitled thereto and your

Your Orator being without an adequate
remedy at law and relievable only in
a Court of equity his prayer therefore
is that the Said Margaret E. Fulkerson and
Margaret F. L. Henry and Sylvester Peter
Henry be made the parties defendant in
this bill and be required to answer the
same upon their oaths and that a
guardian ad litem be appointed for the
Said Margaret F. L. and Sylvester Peter Henry
to answer and defend for them in this
Cause and that a decree be entered appoint-
ing Commissioners to make partition of
the lands among the parties entitled
and such other and general relief be
extended to your orator as may be con-
sistent with equity and justice and
best suited to his case may the Com-
monwealths writ of Habeas Corpus directed
&c.

David Miller
for Complainant

J.B. Wake C. 3.76

William W. Fulkerson

vs. Bill in Chy.

Margaret E. Fulkerson
& others

1870. Aug. 1. Sp. said on Margaret
E. Fulkerson & D. N. as to leg. R. H.
Prisoner ap. E. N. to for other
depts. & contd.

Sept. D. N. confd. as to dis
garet E. Fulkerson & contd.
Oct. Cause act for hearing by J. J.

Decree for partition & contd.
Nov. & Dec. contd.

1871 Jan. Feb. & March Contd.

April & May Continued

1871 June Term Decree final.

J.B.W. 3.76

C. 4.53

A. 15.00

S. 2.00

G. A. L. 5.00

\$ 30.59

To The Honorable Henry J. Morgan Judge of the
County Court of Lee County -
The joint answer of Margaret F. L. Hensley &
Sylvester Peter Hensley, by A. L. Pridemore their
guardian ad litem, to a bill filed in this Hon-
orable, by William W. Fulkerson, against these
respondents et al. Respondent saving and ex-
cepting now and at all other times all just and
proper exceptions thereto for answer saying that
he knows of no defense he could make
for his said wards that would bar the plaintiff's
claim of partition, but upon the other hand
he supposes it would promote the interest
of his said wards; they being of tender
years and incapable of properly understand-
ing their legal rights, he throws them for
protection upon this Honorable Court, the pe-
culiar guardian of infants and their rights
and prays that such orders & decrees as
may be just and equitable, be entered up
in said case, and having now answered
he prays to be hence dismissed with
his costs.

A. L. Pridemore
Guardian ad litem -

Virginia Lee County to wit

This day A. L. Pridemore personally appeared
before me the undersigned and made oath that
the foregoing answer so as it depends on his
own knowledge is true and so far as it depends
on information received from others he believes
it to be true given under my hand this 15th Oct 1870

For this answer \$5.00

John B. West, clk

A. L. Dickmore Guardian ad litem

acts

} Insured

William W. Luskerson

1870 oct. R. answer filed
J. B. West clk

W. W. Luskerson
To A. L. Dickmore & Co
To this answer. \$5.00

William M. Fulkerson Complainant }
against } Decree Final
Margaret E. Fulkerson & others Defendants }

This Cause came on again to be further heard upon the papers formerly read in this Cause and the report of Claiborne Anderson Charles Daugherty and George McDonald Commissioners appointed by a former decree of this Court to make partition of the land in the bill mentioned and a part of the deed of Conveyance from William M. Fulkerson to Margaret E. Fulkerson And it appearing to the Court that the said William M. Fulkerson since this suit was brought has conveyed his part of the land in the bill mentioned to the Defendant Margaret E. Fulkerson which makes the partition of their shares as between themselves unnecessary and it further appearing to the Court that the Commissioners have laid off and allotted to Defendants Margaret S. Hensley and Sylvester C. Hensley the minors their third part of the the land & the said Margaret E. Fulkerson the other two thirds of said land the said Commissioners are hereby relieved from any further partitioning of the said lands and their said report having been filed in the County Court Clerks office ^{more than 30 days} and no exceptions having been filed thereto the same is hereby confirmed On consideration of which it is hereby adjudged ordered and decreed that the said Margaret S. Hensley and the said Sylvester C. Hensley hold jointly the one third and the said Margaret E. Fulkerson the remaining two thirds of the lands in the bill mentioned as allotted and assigned to them in the said Commissioners report free from the claims of each other, ^{the said two thirds being} subject however to the said William M. Fulkersons reserved interest contained in

in his deed of Conveyance aforesaid And the Clerk
of this Court is hereby directed to record in the deed
book in his office the Said report of the Commissioners
and the plat and this decree and it further appearing
that this suit ^{is} for the mutual benefit of all the parties
thereto it is ordered adjudged and decreed that they
the Said William W. Fulkerson and Margaret E. Fulkerson
each pay one third of the taxable Costs of this suit
and that the Guardian of the minors Margaret F. L.
and Sylvester P. Hendley pay one third for which
he will be entitled to a credit in the Settlement of
his Guardianship accounts and no further action
being necessary this Cause is stricken from the docket.

William W. Fulkerson
vs.
Decree final,
Margaret E. Fulkerson
vs. others

Entered 5/13/87 page 277.
J. B. Mack, Clerk

Enter two decrees

H. F. Morgan
June 22nd 1874

(add 1)

Wm W. Fulkerson Plff
 vs
 Margaret E. Fulkerson & al Dfts } In Lch

On the motion of A S Pordmore guardian ad Litem for Margaret F S and Sylvester P Hensley the infant dfts in this cause, leave is granted him to file his answer which is accordingly done, And thereupon the cause came on to be heard upon the bill of the plaintiff, the answer of the said infant defendants by their guardian ad Litem, And was argued by counsel. And it appearing to the Court that the defendant Margaret E. Fulkerson has been duly served with process more than two months before the present term of this court and the cause regularly matured at Rules to her, and set for hearing, and she still failing to appear and answer. The bill ^{as} to her is taken for Confessed, And the Court being of opinion that by the 16th Section of the 17th chapter of the Code of 1860 the appearance of the infant defendants by their guardian ad Litem is a waiver of the service of process as to such. And that the plaintiff is entitled to partition of the lands in the bill mentioned, All which being considered, the Court doth adjudge order and decree, that partition thereof be made, And to attain this object Claiborne Anderson, Charles Daugherty and George P. McDonald are appointed Commissioners who are charged with the duty, of making partition among the parties to this suit according to their respective rights of the lands bequeathed to them by Peter Fulkerson deceased. The said Commissioners will assign to the plaintiff Wm W. Fulkerson One equal third part of said lands quantity and quality considered, To Margaret E Fulkerson, a like third, and to the infant defendants Margaret F S and Sylvester P Hensley a like equal third being the share to which their deceased mother would have been entitled had she lived, And the said Commissioners will make ^a report to the Court showing the entire boundaries of said lands and the metes and bounds of the several lots assigned to the parties together with plots thereof, And the cause is continued.

Wm M. Fulkerson

or { Deane

Margaret Fulkerson ad.
Entered Order Book Page 97.
& 98.

Jas W Orr, D. Clerk

Enter this order

Henry J. Morgan
Oct 19 1870

chd. 55

Virginia

At a County Court continued and held for Lee County at the
Court house thereof on Wednesday the 19th day of October 1870.
Wm W Fulkerson vs Margaret E Fulkerson et al - In Chancery.
The Court doth adjudge, order, and decree
that partition thereof be made, and to attain this object - Claiborne
Anderson, Charles Daugherty, and George McDonald are appointed
commissioners, who are charged with the duty of making partition
among the parties to this suit, according to their respective
rights, of the lands bequeathed to them by Peter Fulkerson, de-
ceased. The said commissioners will assign to the plaintiff
Wm W Fulkerson one equal third part of said lands, quantity
and quality considered, to Margaret E Fulkerson a like third,
and to the infant defendants Margaret H. L. and Sylvester P. Hensley
a like equal third, being the share to which their deceased
mother would have been entitled, had she lived, and the
said commissioners will make a report to the Court, showing the
entire boundaries of said lands, and the metes and bounds
of the several lots assigned to the parties, together with plats
thereof, and the cause is continued.

A copy Teste James W Orr, D. Clerk

A copy Teste James W Orr, D. Clerk

$$\begin{array}{r} 124 \\ 137 \\ \hline 261 \end{array}$$

$$\begin{array}{r} 87 \\ 66 \\ \hline 21 \end{array}$$



The Commonwealth of Virginia,



TO THE SHERIFF OF LEE COUNTY---GREETING:

WE COMMAND YOU TO SUMMON *Margaret B. Fulkerson and Margaret
F. L. Hensley & say unto Peter Hensley,*

to appear before the Judge of our County Court for Lee County, at the Court-House, in the Clerk's
Office, at Rules to be holden for said Court, on the *1st* Monday in *August*
next, to answer a bill in Chancery, exhibited in our said Court, against *them* by *William
H. Fulkerson*

And have then there this writ. Witness, JOHN B. WEST, Clerk of our said Court, at the
Court-House, this , *25th* day of *July* 1870, in the *90th* year of the
Commonwealth.

John B. West Clerk.

William W. Fulkerson

vol. 3 space changing

Margaret & Fulkerson
et al.

et al.

1st Monday in Aug^r, 1880

Devotion on Margaret
& The Mission

6 The Merson

Dear Mr. Kimball,

Mr W Page & Co